

August 12, 2005

**ELECTRONICALLY FILED
(VIA ECFS)**

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: MB Docket No. 03-15
KGW-DT, Portland, Oregon (Facility ID No. 34874)
FCC Form 383 (File No. BFRCT-20050812AOK)
KOAC-DT, Corvallis, Oregon (Facility ID No. 50590)
FCC Form 383 (File No. BFRCT-20050811ABI)

Dear Ms. Dortch:

Submitted herewith, pursuant to the FCC's Public Notice released August 2, 2005 (DA 05-2233), is a copy of the Negotiated Conflict Resolution Agreement (the "Agreement") between King Broadcasting Company ("King"), the licensee of KGW(TV), Portland, Oregon and Oregon Public Broadcasting ("OPB"), the licensee of noncommercial educational station KOAC-TV, Corvallis, Oregon. Each licensee has submitted an FCC Form 383 (referenced above) certifying that the parties have resolved their respective first round DTV channel election conflicts by mutual agreement. Specifically, the parties have each agreed to accept a certain amount of interference from each other, as clearly indicated in the attached Agreement.

As noted in the attached Agreement, KGW is authorized to operate on NTSC Channel 8 and DTV Channel 46. Station KOAC is authorized to operate on NTSC Channel 7 and DTV Channel 39. In the first round of the FCC's channel election process, the stations elected their NTSC Channels 8 and 7, respectively, for post-transition DTV operations. Station KGW's proposed digital operation on Channel 8 would result in 2.2% predicted interference to KOAC's proposed digital operation on Channel 7. Similarly, KOAC's proposed digital operation on Channel 7 would result in 0.9% predicted interference to KGW's proposed digital operation on Channel 8. As reflected in the attached Agreement, the stations desire to maintain their respective post-transition DTV channel elections and have therefore each agreed to accept the above-referenced levels of interference from each other.

The cumulative level of interference that would be received by KGW operating digitally on its elected Channel 8 is 3.6%. The cumulative level of interference that

Marlene Dortch
August 12, 2005
Page 2

would be received by KOAC operating digitally on its elected Channel 7 is 10.4%. The interference received by KGW and KOAC as a result of their respective DTV channel elections will occur mainly in the Portland, Oregon metropolitan area, which is well served by numerous television services. None of the interference to which the parties are willing to accept would occur in the stations' respective cities of license. Moreover, it is noted that OPB is also the licensee of noncommercial educational station KOPB-TV, Portland, Oregon. Stations KOAC and KOPB simulcast their programming. Accordingly, viewers in the Portland area desiring to watch OPB's noncommercial programming will tune to KOPB rather than the signal of the more distant KOAC, which serves Corvallis. The practical impact of the predicted interference that KOAC is willing to accept, therefore, is minimal. If necessary, King and OPB would be happy to provide an engineering statement supporting these facts.

Most important, King and OPB have each carefully considered the effects and consequences of their respective DTV channel elections and, on balance, have each determined that their audiences would be best served if KGW and KOAC remain on their high-band VHF channels for post-transition DTV operations. In particular, King and OPB both recognize the superior propagation characteristics and operational efficiency of high-band VHF channels as compared with that of UHF channels.

In view of the foregoing, King and OPB respectfully submit that the parties' mutual agreement to retain their respective DTV channel elections and accept the interference set forth in the attached Agreement is in the public interest.

Respectfully submitted,



John M. Burgett
Wiley Rein & Fielding LLP
1776 K Street, N.W.
Washington, DC 20006
202-719-4239

*Counsel for King Broadcasting
Company*



Steven C. Schaffer
Schwartz Woods & Miller
1350 Connecticut Avenue, NW
Suite 300
Washington, DC 20036
202-833-1700

*Counsel for Oregon Public
Broadcasting*

cc (by e-mail & regular mail): Nazifa Sawez

NEGOTIATED CONFLICT RESOLUTION AGREEMENT

This Negotiated Conflict Resolution Agreement ("Agreement") is entered into as of July 31, 2005 by and between King Broadcasting Company ("King") and Oregon Public Broadcasting ("OPB").

1. King is the licensee of Station KGW, FCC Facility ID No. 34874, Portland, Oregon, which is authorized by the Federal Communications Commission ("FCC") to operate on NTSC Channel 8 and on digital television ("DTV") Channel 46. In the first round of the FCC's DTV channel election process, King elected its NTSC Channel 8 for post-transition DTV operations.
2. OPB is the licensee of Station KOAC-TV, FCC Facility ID No. 50590, Corvallis, Oregon, which is authorized by the FCC to operate on NTSC Channel 7 and on DTV Channel 39. In the first round of the FCC's DTV channel election process, OPB elected its NTSC Channel 7 for post-transition DTV operations.
3. Station KGW has been notified by the FCC that its proposed digital operation on its elected NTSC Channel 8 would result in 2.2% interference to Station KOAC-TV's proposed digital operation on its elected NTSC Channel 7.
4. Station KOAC-TV has been notified by the FCC that its proposed digital operation on its elected NTSC Channel 7 would result in 0.9% interference to Station KGW's proposed digital operation on its elected NTSC Channel 8.
5. Each of the parties wishes to retain its respective first round DTV channel election. Accordingly, in order to resolve their conflict, King and OPB hereby agree to accept the mutual interference which would result from Station KGW's currently proposed digital operation on NTSC Channel 8 and Station KOAC-TV's currently proposed digital operation on NTSC Channel 7.
6. Except for the mutual agreement set forth in Paragraph 5, no consideration is being paid or promised by either party in connection with this Agreement.
7. The parties shall each seek the FCC's approval of this agreement by submission of an FCC Form 383 ("Digital Channel Election for Television Broadcast Station: First Round Conflict Decision") by August 8, 2005. The parties also agree that they will cooperate with each other to provide the FCC with all other information (including, without limitation, a copy of this Agreement) which the FCC may request in connection with the parties' respective DTV channel elections.

**KING BROADCASTING
COMPANY**

By: _____

Title: _____

Gum Kerr
Secretary

**OREGON PUBLIC
BROADCASTING**

By: _____

Title: _____

[Signature]
FVP COO